

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TX-2001-0512

From: Natelle Dietrich
Telecommunications Department

John Van Eschen/ July 24, 2006
Utility Operations Division/Date

David Meyer/ July 24, 2006
General Counsel's Office/Date

Subject: Rulemaking Fiscal Analysis Review

Date: July 24, 2006

The Secretary of State (SOS) published the Commission's Final Order of Rulemaking, which proposed amended Commission rules at 4 CSR 240-3.555 and 4 CSR 240-33.020-33.150 and was the subject of Case No. TX-2001-0512. The rules modified existing Commission rules consistent with federal truth-in-billing requirements. The rules became effective on September 30, 2004.

Section 536.200.2 RSMo 2000 requires agencies to make a filing with the SOS if, after the first full fiscal year after implementation, the cost of the rule exceeds the agency estimates. The Commission's General Procedure 1 (GP-1) requires a Staff investigation of the fiscal impact thirty days prior to end of first full fiscal year. According to GP-1, Staff is to prepare a memorandum within thirty days after the end of the first full fiscal year addressing whether the cost to all affected entities, including the Commission, has exceeded 10% of the estimated cost (or, where appropriate, \$500) reflected in the fiscal note. If costs are more than 10% or \$500, the General Counsel prepares a filing for action by the Commission.

This memorandum advises the Commission that Staff has not discovered any information that would show the cost estimates associated with the rule were not accurate. Additionally, Staff has contacted the industry for input on the fiscal review. Staff has not received any information from any party potentially or actually affected by the implementation of this rule that would indicate the public or private cost estimates as published in the *Missouri Register* were not accurate.

Since the Staff's investigation indicates the published cost estimates related to the implementation of 4 CSR 240-3.555 and 4 CSR 240-33.020-33.150 have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2.